

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 01, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SAMARIA V.,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of
Social Security Administration,

Defendant.

No. 4:20-cv-05060-SMJ

**ORDER GRANTING
STIPULATED MOTION FOR
REMAND**

Before the Court, without oral argument, is the parties' Stipulated Motion for Remand, ECF No. 12. Having reviewed the motion and the file in this matter, the Court is fully informed and grants the motion. The Court thus reverses and remands the matter for further administrative proceedings before an Administrative Law Judge (ALJ) and a new decision regarding Plaintiff's applications for benefits under the Social Security Act.

Accordingly, **IT IS HEREBY ORDERED:**

- 1. The parties' Stipulated Motion for Remand, ECF No. 12, is GRANTED.**

1 **2.** The above-captioned case shall be **REVERSED** and **REMANDED**
2 for further administrative proceedings, including a *de novo* hearing
3 under 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501 U.S. 89
4 (1991).

5 **3.** On remand, the Appeals Council will remand the case to an
6 administrative law judge (“ALJ”), who shall develop the medical
7 record as appropriate, offer Plaintiff an opportunity for a new hearing,
8 and issue a new decision. The ALJ shall also:

9 **A.** Reevaluate the evidence, including any medical experts’
10 opinion(s);

11 **B.** Reassess Plaintiff’s allegations, residual functional capacity,
12 and whether there are jobs in the national economy she could
13 still perform despite her limitations, as necessary.

14 **4.** Plaintiff’s Motion for Summary Judgment, **ECF No. 11**, is **DENIED**
15 **AS MOOT.**

16 **5.** The Clerk’s Office is **DIRECTED** to **ENTER JUDGMENT** for
17 Plaintiff.


18 **6.** Plaintiff shall be entitled to reasonable attorney fees and expenses
19 under 28 U.S.C. § 2412(d), upon proper request to this Court. Plaintiff
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1 shall be entitled to costs as enumerated in 28 U.S.C. § 1920, under 28
2 U.S.C. § 2412(a).

3 A. Plaintiff shall file any such motion for attorney fees and costs
4 by no later than **January 2, 2021**.

5 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order and
6 provide copies to all counsel.

7 **DATED** this 1st day of December 2020.

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9 SALVADOR MENDOZA, JR.
10 United States District Judge
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